IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JOYCE BUSE BLANCHARD — PLAINTIFF

VS. — CAUSE NO. 1:95CV218-D-D

UNION NATIONAL LIFE INSURANCE COMPANY — DEFENDANT

MEMORANDUM OPINION

This cause comes before the court upon the motion of the defendant, Union National Life Insurance Company ("Union National"), for summary judgment. The plaintiff, Joyce Buse Blanchard, has sued Union National for sex discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. The defendant submits in its motion that Ms. Blanchard is barred from asserting all but two of the alleged acts of harassment due to the 180-day time limit for filing claims under Title VII. 42 U.S.C. § 2000e-5(e)(1). Union National further tenders that Ms. Blanchard's alleged failure to follow the company policy for reporting incidents of sexual harassment should serve as a bar to her hostile environment claim. Finally, the defendant contends that Ms. Blanchard can provide no evidence supporting her quid pro quo claim and Union National is entitled to a judgment as a matter of law on that claim. The plaintiff responds that she may rely upon all of the alleged incidents of harassment, even those outside the 180 days, due to the application of the "continuing violation" doctrine. Ms. Blanchard further suggests that since exhaustion of the employer's sexual harassment grievance procedure has never been held to be a prerequisite to suit, it would be inappropriate for this court to so hold in this case. In addition, the plaintiff argues that she has presented sufficient proof to create a genuine issue of material fact as to her quid pro quo claim and summary judgment would therefore be improper. The court finds the defendant's motion not well taken and the same shall be denied.

FACTUAL BACKGROUND[1]

[1]In a motion for summary judgment, the facts must be construed in the light most favorable to the non-moving party. Matagorda County v. Russel Law, 19 F.3d 215, 217 (5th Cir. 1994). The court's recitation of the facts in this case reflects this rule.

Ms. Blanchard became employed with Union National, a home service insurance company, in February of 1984 as an office administrator. Her duties as such included bookkeeping, receiving payments from policy-holders, answering telephones, filing, other clerical tasks and customer contact. Blanchard Depo. at 6, Exh. att. Plaintiff's Response to Summary Judgment Motion ("Blanchard Depo."). Throughout her employment, Roger Kelly, the District Manager of the Tupelo, Mississippi office, worked as her immediate supervisor. Id. at 5. Within two years of the inception of her employment with Union National, Mr. Kelly allegedly began subjecting Ms. Blanchard to a campaign of incessant sexual harassment and discrimination. In her deposition, Ms. Blanchard testified that Mr. Kelly constantly initiated physical contact with her, touching her breasts and legs, and forcibly tried to kiss her on at least one occasion. Mr. Kelly further targeted Ms. Blanchard with acts of verbal harassment and frottage. Id. at 22-25.

Ms. Blanchard alleges that she constantly related to Mr. Kelly her displeasure with his actions. Id. at 27. She further made numerous complaints to other staff managers and agents in the Tupelo office. Id. at 14-17. Fear of a reprisal discharge restrained Ms. Blanchard from reporting these incidents outside the Tupelo office. Id. at 15-17. However, on July 8, 1994, Mr. Kelly terminated Ms. Blanchard's employment ostensibly for displaying rudeness to a customer. Kelly Depo. at 29, Exh. att. Plaintiff's Response to Summary Judgment Motion ("Kelly Depo."). Ms. Blanchard contends her termination was actually premised upon her rejection of Mr. Kelly's sexual overtures. After filing a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on September 19, 1994, and receiving a right to sue letter, Ms. Blanchard initiated the present action in federal court.

DISCUSSION

I. SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." F.R.C.P.

56(c). The party seeking summary judgment carries the burden of demonstrating that there is an absence of evidence to support the non-moving party's case. Celotex Corp. v. Catrett, 477 U.S. 317, 325, 106 S. Ct. 2548, 2553, 91 L.Ed.2d 265 (1986); Vera v. Tue, 73 F.3d 604, 607 (5th Cir. 1996). Once a properly supported motion for summary judgment is presented, the burden shifts to the non-moving party to set forth specific facts showing that there is a genuine issue for trial. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249, 106 S. Ct. 2505, 2511, 91 L.Ed.2d 202 (1986); Brothers v. Klevenhagen, 28 F.3d 452, 455 (5th Cir. 1994). "Where the record, taken as a whole, could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial." Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587, 106 S. Ct. 1348, 89 L.Ed.2d 538 (1986); Federal Sav. & Loan Ins. v. Krajl, 968 F.2d 500, 503 (5th Cir. 1992). The facts are reviewed drawing all reasonable inferences in favor of the party opposing the motion. Banc One Capital Partners Corp. v. Kniepper, 67 F.3d 1187, 1198 (5th Cir. 1995); Matagorda County v. Russel Law, 19 F.3d 215, 217 (5th Cir. 1994).

II. DOCTRINE OF THE CONTINUING VIOLATION

In order to sustain a sexual harassment claim in federal court, Title VII sets out the prerequisite that the aggrieved employee file an EEOC charge "within one hundred and eighty [180] days after the alleged unlawful employment practice." 42 U.S.C. § 2000e-5(d)(1). "The limitations period commences on the date that the discriminatory act occurred." Waltman v. International Paper Co., 875 F.2d 468, 474 (5th Cir. 1989) (citing Delaware State College v. Ricks, 449 U.S. 250, 258, 101 S. Ct. 498, 504, 66 L.Ed.2d 431 (1980)). As noted supra, Ms. Blanchard filed her discrimination charge with the EEOC on September 19, 1994. Union National therefore contends that only the discriminatory acts alleged to have occurred on or after March 23, 1994, may form the basis of Ms. Blanchard's sexual harassment claims.

The plaintiff does not dispute the law regarding the 180-day time limit set forth in Union National's brief. However, Ms. Blanchard requests that this court set aside the statutory limitations period under the equitable exception of the continuing violation doctrine. This doctrine permits a

plaintiff to rest her theory of liability on acts of discrimination that occurred outside the statutory time limit, provided at least one harassing incident occurred within the time frame. Although there is no clear standard, the Fifth Circuit, in Berry v. Board of Supervisors of L.S.U., noted three non-exhaustive factors courts should consider in determining whether to apply the doctrine. 715 F.2d 971, 981-82 (5th Cir. 1983).

> The first is subject matter. Do the alleged acts involve the same type of discrimination, tending to connect them in a continuing violation? The second is frequency. Are the alleged acts recurring (e.g., a biweekly paycheck) or more in the nature of an isolated work assignment or employment decision? The third factor, perhaps of most importance, is degree of permanence. Does the act have the degree of permanence which should trigger an employee's awareness of and duty to assert his or her rights, or which should indicate to the employee that the continued existence of the adverse consequences of the act is to be expected without being dependent on a continuing intent to discriminate?

Berry, 715 F.2d at 981. Before the court reaches those factors for the application of the exception, Ms. Blanchard must show that at least one incident of harassment occurred within the 180-day window. Waltman, 875 F.2d at 474-75 (citing Abrams v. Baylor College of Medicine, 805 F.2d 528, 533 (5th Cir. 1986)). In this case, the cut-off date is March 23, 1994. Ms. Blanchard has demonstrated to the court's satisfaction sufficient evidence to defeat summary judgment on this isolated ground. The plaintiff testified in her deposition that Mr. Kelly "[came] and leaned over [her] shoulder and rubbed his crotch against [her] shoulder" sometime around March or April of 1994. Blanchard Depo. at 24. She further stated that the verbal abuse from Mr. Kelly continued after April, 1994, with comments like, "Do you like a big old good one or a good old big one?" Id. at 25. Thus, Ms. Blanchard has demonstrated that at least a genuine issue of fact exists as to whether a harassing incident occurred on or after March 23, 1994. An analysis of the Berry factors is then appropriate.

A. *Subject Matter*

In that the incidents of which the plaintiff complains are all variances of sexual harassment, Blanchard's claim clearly meets the first Berry element that the alleged acts involve the same subject matter. See Waltman, 875 F.2d at 475. Mr. Kelly's alleged actions described by Ms. Blanchard "involve the same type of discrimination, tending to connect them in a continuing violation." Berry, 715 F.2d at 981.

B. *Frequency*

The second Berry factor, frequency, requires an inquiry into whether the acts of which the plaintiff protests are of a recurrent nature or isolated events. "In reviewing the frequency of harassment, the court reviews the pattern and frequency of the harassment and determines whether a reasonable person would feel that the environment was hostile[2] throughout the period that formed the basis of the plaintiff's claim." Hardy v. Fleming Food Cos., 1996 WL 145463, *11 (S.D. Tex., Mar. 21, 1996) (citing Waltman, 875 F.2d at 476). The Waltman Court further noted that

> [S]ince this court's decision in Berry, the Supreme Court decided Meritor Savings Bank, which established that a plaintiff can bring a claim for sexual harassment based on acts that created a "hostile environment." The Meritor Savings Bank decision is relevant to the continuing violation theory *because a hostile environment claim usually involves a continuing violation*. In a hostile environment, an individual feels constantly threatened even in the absence of constant harassment.

Waltman, 875 F.2d at 476 (emphasis added). In the case sub judice, Ms. Blanchard provided evidence that the alleged harassment she endured was of a continuous nature. She testified that the verbal abuse from Mr. Kelly was ongoing, the physical positioning and touching was ongoing, and the attempts at kissing and hugging were unremitting. Blanchard Depo. at 22-26. As such, the evidence could support a finding that the harassing acts complained of meet the Berry frequency factor.

C. *Permanence*

The third and possibly most important Berry factor to consider is the degree of permanence. The Fifth Circuit instructed courts to query whether "the act ha[s] the degree of permanence which should trigger an employee's awareness of and duty to assert his or her rights, or which should indicate to the employee that the continued existence of the adverse consequences of the act is to be expected without being dependent on a continuing intent to discriminate?" Berry, 715 F.2d at 981. Union National contends that, "[i]f her allegations are true, as we must accept they are, plaintiff knew she was being sexually harassed. Knowing this, plaintiff had a duty to promptly file a charge of

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[2]The plaintiff has brought her sexual harassment claims under two theories: hostile environment and quid pro quo. Both theories are more thoroughly addressed infra.

discrimination or lose her charge. Sabree v. United Bhd. of Carpenters and Joiners, 921 F.2d 396, 402 (1st Cir. 1990)." Indeed, the plaintiff states in her brief to the court that Mr. Kelly's actions of

> exposing his private parts to Ms. Blanchard, touching her breasts, rubbing his crotch up against her, grabbing and trying to force a kiss from her, and continually propositioning her to have sex, had the quality of permanence that Ms. Blanchard was alerted that her rights had been violated.

Plaintiff's Brief at 8.

The court agrees with Union National in part. "A knowing plaintiff has an obligation to file promptly or lose his claim. This can be distinguished from a plaintiff who is unable to appreciate that he is being discriminated against until he has lived through a series of acts and is thereby able to perceive the overall discriminatory pattern." Hardy, 1996 WL 145463, *11 (citing Sabree, 921 F.2d at 402). The court is of the opinion that Ms. Blanchard knew or should have known that the alleged act of exhibitionism perpetrated when Mr. Kelly displayed his genitals to her was an act of sexual harassment. This incident, which occurred in 1985 or 1986, was of sufficient moment to Ms. Blanchard that she became a "little hysterical" and discussed the incident with several people. Blanchard Depo. at 10-17. She even discussed with another administrator the possibility of reporting the incident. Id. at 17. From the evidence presented to the court, this was the only incident where Ms. Blanchard actively considered reporting the act to upper management outside the Tupelo office -- an indication she was aware of the wrongful nature of the act. As such, the 180-day statute of limitations applies to this act of harassment and Ms. Blanchard is barred from basing any liability on it or any incidents which preceded it.

In regard to the other myriad complaints Ms. Blanchard made concerning Mr. Kelly's actions which occurred subsequently, this court is of the opinion that genuine issues of material fact exist as to whether they "had the Berry quality of 'permanence' that would alert [the plaintiff] that her rights had been violated." Waltman, 875 F.2d at 476.

In that Ms. Blanchard has demonstrated that genuine issues of material fact exist regarding the appropriateness of the application of the continuing violation doctrine so as to equitably allow

liability to be based on acts outside the 180-day Title VII window,[3] summary judgment is not proper on this issue.

III. PRIMA FACIE CASE OF SEXUAL HARASSMENT[4]

Title VII of the Civil Rights Act of 1964 prohibits discrimination "against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's . . . sex." 42 U.S.C. § 2000e-2(a)(1). Ms. Blanchard has based her claims for recovery under two theories of sexual harassment: hostile work environment and quid pro quo harassment. See Meritor Sav. Bank v. Vinson, 477 U.S. 57, 66-67, 106 S. Ct. 2399, 2405-06, 91 L.Ed.2d 49 (1986). The court addresses each in turn.

A. *Hostile Work Environment*

The Fifth Circuit has set out five elements a plaintiff is obliged to prove in order to establish a prima facie case of sexual harassment of the hostile work environment variety. To survive summary judgment, Ms. Blanchard must at least create a genuine issue of material fact as to the following factors:

> (1) the employee belongs to a protected group;
> (2) the employee was subject to unwelcome sexual harassment, i.e., sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature that is unwelcome in the sense that it is unsolicited or uninvited and is undesirable or offensive to the employee;
> (3) the harassment complained of was based upon sex;
> (4) the harassment complained of affected a "term, condition or privilege of employment," i.e., the sexual harassment must be sufficiently severe as to alter the conditions of employment and create an abusive working environment; and
> (5) respondeat superior, i.e., that the employer knew or should have known of the harassment in question and failed to take prompt remedial action.

Waltman, 875 F.2d at 477 (alterations omitted) (citing Jones v. Flagship Int'l, 793 F.2d 714, 719-20

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[3] This is in reference only to those acts which occurred **after** the exposure incident in 1985 or 1986.

[4] The court notes that although at trial Ms. Blanchard has the burden of proving every element of her prima facie case to state a claim, such is not the case with a motion for summary judgment. In this situation, Ms. Blanchard need only raise a genuine issue of material fact concerning the elements of her prima facie case. Waltman, 875 F.2d at 477 (citing Thornbrough v. Columbus & Greenville R.R., 760 F.2d 633, 640-41 (5th Cir. 1985)).

(5th Cir. 1986), cert. denied, 479 U.S. 1065, 107 S. Ct. 952, 93 L.Ed.2d 1001 (1987)).

In the case at bar, the parties limited their arguments to the fifth element, conceding that the plaintiff met the first four for purposes of this motion only. Union National urges this court "to hold under the facts of this case that plaintiff's failure to report her alleged sexual harassment bars plaintiff from by-passing defendant's reporting procedures and proceeding directly to court." Defendant's Brief at 7. While courts have held that such inaction on the plaintiff's part may serve as a bar to litigation under the appropriate circumstances, see Meritor Sav. Bank, 477 U.S. at 72, 106 S. Ct. at 2408,[5] the defendant acknowledged that "no Court to defendant's knowledge has held that an absolute bar to filing suit exists when a sexual harassment victim by-passes her employer's complaint procedure and proceeds directly to Court." Defendant's Brief at 7.

This court is not inclined to impose such an absolute bar. The focus of the fifth factor is the notice, actual or constructive, which the employer has of the alleged harassment taking place in the workplace. The court questions the wisdom of a rule which would shield employers who had constructive or even **actual** knowledge of a hostile environment simply because the plaintiff/employee failed to utilize the complaint procedures set up by the company for which the plaintiff works. Furthermore, such a holding would place yet another administrative hoop through which plaintiffs must jump prior to filing suit, when statutory law already imposes an administrative exhaustion requirement to be followed with the EEOC.

However, the fact that this court declines to hold that failure to exhaust available corporate remedies is a per se absolute bar does not mean the court will ignore such inaction on the plaintiff's

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[5]The Meritor Court noted on this issue that

> [p]etitioner's general nondiscrimination policy did not address sexual harassment in particular, and thus did not alert employees to their employer's interest in correcting that form of discrimination . . . . Moreover, the bank's grievance procedure apparently required an employee to complain first to her supervisor, in this case [the alleged harasser]. Since [the supervisor] was the alleged perpetrator, it is not altogether surprising that respondent failed to invoke the procedure and report her grievance to him. **Petitioner's contention that respondent's failure should insulate it from liability might be substantially stronger if its procedures were better calculated to encourage victims of harassment to come forward.**

Meritor, 477 U.S. at 72-73, 106 S. Ct. 2408 (emphasis added).

part. For instance, since the query posed by the fifth factor is whether the employer had notice of the alleged harassment, the plaintiff's failure to employ internal complaint procedures lends credence to the employer's denial of notice. In the case *sub judice*, the court is of the opinion that Union National has failed to demonstrate the lack of a genuine issue of material fact relevant to its notice of the alleged harassment.

B. *Quid Pro Quo*

The second type of sexual harassment claim available under Title VII is the quid pro quo theory of harassment. To prevail under this theory, the plaintiff must prove that:

> (1) she is a member of a protected group;
> (2) she was subject to unwelcome sexual harassment;
> (3) the complained-of harassment was based upon sex;
> (4) her reaction to the harassment affected tangible aspects of the terms and conditions of her employment, with her acceptance or rejection of the harassment being either an express or implied condition to receipt of a benefit to or the cause of a tangible adverse effect on the terms or conditions of her employment; and
> (5) respondeat superior.

Ellert v. University of Tex., 52 F.3d 543, 545 (5th Cir. 1995) (citing Collins v. Baptist Mem. Geriatric Ctr., 937 F.2d 190, 196 (5th Cir. 1991), cert. denied, 502 U.S. 1072, 112 S. Ct. 968, 117 L.Ed.2d 133 (1992)). The court notes again, however, that Ms. Blanchard need not prove the above elements to defeat summary judgment; she need only demonstrate that Union National cannot show the absence of genuine issues of material fact as to each element. Only the second, third and fourth elements are at issue here since Union National conceded the first and fifth for purposes of this motion.

The second element in this quid pro quo inquiry requires the plaintiff to produce some evidence that she was subject to unwelcome sexual harassment. As this court discussed supra under the hostile environment theory, Ms. Blanchard's allegations concerning Mr. Kelly's actions demonstrate a genuine issue of material fact as to whether Ms. Blanchard was exposed to unwelcome sexual harassment.

The third element requires the unwelcome harassment to be based on sex. The court agrees with the plaintiff that genuine issues of material fact exist as to this element which preclude summary

judgment. "No evidence demonstrates that Kelly ever exposed himself to, grabbed the chests of, propositioned, or rubbed his crotch on, any [of] his male employees. One may safely presume these quirks of character were only shared with his female employees. Presumably a male employee subjected to this behavior would have knocked his block off." Plaintiff's Brief at 17-18.

The final contested element, and the one most thoroughly discussed by the parties, requires some evidence that Ms. Blanchard's dismissal resulted from her failure to acquiesce to Mr. Kelly's sexual harassment. Under the facts of this case, the question boils down to this: Was Ms. Blanchard's job retention expressly or impliedly conditioned on her acceptance of the alleged sexual advances of Mr. Kelly? See Ellert, 52 F.3d at 545. The plaintiff contends that Mr. Kelly fired Ms. Blanchard because she would not have sex with him and he wanted to "pursue other sexual opportunities," namely with a woman named Kim Inmon.[6] Plaintiff's Brief at 18-20.

Union National argues that Ms. Blanchard failed to produce any evidence that she was fired for refusing Mr. Kelly's sexual advances or that she was fired in order for Ms. Inmon to be rehired because Ms. Inmon would not so refuse. The court first notes that nothing in the record before it indicates that Union National rehired Ms. Inmon subsequent to Ms. Blanchard's employment termination. Furthermore, the defense submits that Ms. Blanchard's deposition testimony reveals the lack of any evidence other than her own subjective belief that she was fired in a quid pro quo setting.

> Q: You state in paragraph 5 of your complaint that a proximate contributing cause of your discharge was that Roger Kelly had decided that you would never have sex with him, and he wanted to attempt sex with the new replacement. What do you base that on?
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> A: I base that on several comments that he made to me about his displeasure of Kim Inman not being still employed with the company when he returned to his position from a disability.
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> Q: What kind of comments did he make?
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> A: Comments to the effect that he would like to replace me with Kim.
>
> Q: All right. Was there any sexual references to why he wanted to replace - -

[6]Due to different spellings of this woman's last name contained in the record, the court is unsure of the correct spelling.

A: No, sir. I knew that.

Q: But he never said that?

A: He never spoke it. I knew it.

* * * *

Q: What did he do or say that implied that he wanted Kim Inman to take your place so that he could have sex with her?

A: I can't recall anything specific.

* * * *

A: The accusation is that I would not have sex with him and he wanted to replace me with Kim Inman, who someone he could possibly have sex with.

Q: But you're telling me, and I want to make this clear on the record, that you don't have any evidence to back that statement up as far as him - -

A: No. . . . No physical evidence, no, sir.

Q: All right. Now, you say no physical evidence. What other kind of evidence do you have?

A: Nothing that I can show you. Nothing - - other than what I can tell you.

* * * *

Q: So what you're saying is: this is your belief?

A: Yes, sir.

Q: Do you have any evidence that Roger Kelly ever had sex with Kim Inman?

A: No, sir.

Blanchard Depo. at 37-41.

Ms. Blanchard's subjective belief that she was fired because she refused to have sex with Mr. Kelly or that she was fired so that the company could rehire an allegedly more pliant employee, without more, is insufficient to survive a motion for summary judgment. Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (citing cases). However, the defendant ignores the harassing incidents mentioned in the court's section on hostile environment. In light of those allegations, the court cannot hold as a matter of law that a reasonable trier of fact could not find discrimination under a quid pro quo theory of sexual harassment.[7]

[7]The court notes that although Ms. Blanchard's claim survives summary judgment, more evidence relating to the causal connection with her employment termination must be produced in order for her quid pro quo claim to survive a motion for directed verdict. However, that is

Furthermore, the Fifth Circuit qualified the rule of law in the Douglass case by stating that subjective belief alone would not be sufficient "*in the face of proof showing an adequate nondiscriminatory reason*." Douglass, 79 F.3d at 1430 (emphasis added). Neither party directed the court's attention to, or discussed in any detail, evidence supporting a nondiscriminatory reason for Ms. Blanchard's discharge. Apparently Union National's proffer is that Ms. Blanchard's termination was based upon her rough handling of customers' complaints in the spring and summer of 1994. Although Ms. Blanchard disputed whether she had been rude to a customer, she did not dispute the fact that the customer complained about her in a letter to Union National. The defense relied too heavily on its claim that the plaintiff could not meet her prima facie case and skimmed over its nondiscriminatory reason. As such, the court is of the opinion that Ms. Blanchard should be allowed to proceed to trial on her quid pro quo claim along with her hostile environment claim.

CONCLUSION

Genuine issues of material fact exist as to the appropriate application of the continuing violation doctrine in the case sub judice.[8] Furthermore, Union National has not demonstrated the absence of genuine issues of material fact in reference to Ms. Blanchard's hostile environment claim. In addition, Union National did not satisfy its burden in regard to Ms. Blanchard's quid pro quo claim and it shall not be dismissed.

A separate order in accordance with this opinion shall issue this day.

THIS ___ day of May, 1996.

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a question for the court to address later at trial when the parties have had a chance to fully develop the facts. Rodeway Inns Int'l, Inc. v. Amar Enters., Inc., 742 F. Supp. 365, 369 n.5 (S.D. Miss. 1990) ("Even if a movant is entitled to summary judgment, a district court may, in its discretion, deny the motion in order to give the parties the chance to fully develop the facts at trial").

[8]The court notes that, as set out supra, this statement is only valid as to those alleged acts which occurred after the exposure incident in 1985 or 1986. As to the exposure incident and any incidents of alleged harassment which occurred prior to it, the court is of the opinion that the 180-day statutory limit applies and the plaintiff is time-barred from basing liability on them. The court does not address in this opinion whether those alleged incidents might be admitted for some other proper purpose.

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JOYCE BUSE BLANCHARD — PLAINTIFF

VS. — CAUSE NO. 1:95CV218-D-D

UNION NATIONAL LIFE INSURANCE COMPANY — DEFENDANT

ORDER DENYING SUMMARY JUDGMENT

Pursuant to a memorandum opinion entered this day, the court is of the opinion that the motion of the defendant, Union National Life Insurance Company, for summary judgment is not well taken and it shall be denied.

Therefore, it is ORDERED that:

1) the defendant's motion for summary judgment on the plaintiff's, Joyce Buse Blanchard, hostile environment sexual harassment claim, be and it is hereby, DENIED.

2) the defendant's motion for summary judgment on the plaintiff's quid pro quo sexual discrimination claim be, and it is hereby, DENIED.

All memoranda, depositions, affidavits and other matters considered by the court in denying the defendant's motion for summary judgment are hereby incorporated and made a part of the record in this cause.

SO ORDERED this ___ day of May, 1996.

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United States District Judge